

CHILDREN'S AUTHORITY ACT

CHAPTER 46:10

Act

***64 of 2000**

Amended by

8 of 2003

14 of 2008

* See Note on page 2

Current Authorised Pages

<i>Pages</i>	<i>Authorised</i>
<i>(inclusive)</i>	<i>by L.R.O.</i>
1-31	..

Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

Note on Act No. 64 of 2000

Commencement Date

Act No. 64 of 2000 which has been designated Ch. 46:10 has only been partially proclaimed (*See* LN 187/2008). It has, however, been amended by Act No. 8 of 2003 [The Children's Authority (Amendment) Act, 2003] which changed the definition of Court to mean "the Court with jurisdiction for family matters" and Act No. 14 of 2008 which made substantial changes to Parts II and III.

In addition, Act No. 64 of 2000 contains references to other pieces of legislation, such as the Children's Community Residences, Foster Care and Nurseries Act, 2000 (No. 65 of 2000) which up to the date of this Revision, i.e., 31st December 2009, had not yet been proclaimed.

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CHILDREN'S AUTHORITY ACT

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CHAPTER 46:10

CHILDREN'S AUTHORITY ACT

64 of 2000. **An Act to establish a Children's Authority of Trinidad and Tobago to act as the guardian of the children of Trinidad and Tobago.**

[ASSENTED TO 2ND NOVEMBER 2000]

Preamble. WHEREAS it is enacted by section 13(1) of the Constitution that an Act of Parliament to which that section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 of the Constitution, and if any Act does so declare it shall have effect accordingly:

And whereas it is provided in subsection (2) of the said section 13, that an Act of Parliament to which that section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all members of that House:

And whereas it is necessary and expedient that this Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution:

PART I

PRELIMINARY

Short title. **1.** This Act may be cited as the Children's Authority Act.

*Commencement. **2.** (1) This Act, except those sections referred to in [187/2008]. subsection (2), comes into operation on a day fixed by the President by Proclamation.

(2) Sections 1, 2, 3, 4, 5(1)(h), 5A(d), 6(1)(e), 7, 8, 9, 10, 11, 14, 16, 17, 19, 20, 21, 34, 35, 46, 48, 49, 50 and 51 came into operation on 5th December 2008.

Interpretation. **3.** In this Act, unless the context otherwise requires— [8 of 2003 "Authority" means the Children's Authority established under 14 of 2008]. section 4;
"child" means a person under the age of eighteen years;

* See Note on page 2.

“child in need of care and protection” means a child referred to in section 22(1);

“Children’s Home” has the meaning assigned to it by the Children’s Community Residences, Foster Care and Nurseries Act, 2000; ^{65 of 2000.}

“Community Residence” means a Children’s Home or Rehabilitation Centre licensed under the Children’s Community Residences, Foster Care and Nurseries Act, 2000;

“Community Service” has the meaning assigned to it by the Community Service Orders Act; ^{Ch. 13:06.}

“Court” means the Court with jurisdiction for family matters;

“fit person” means a relative of the child or such other person, including a body corporate, authority, agency or society established for the reception of children and young persons to whom this Act applies and who is found by the Court to be a suitable person to care for the child;

“foster care” means the assuming of temporary care, maintenance and parental obligations by an approved foster parent in respect of a child under Part IV of the Children’s Community Residences, Foster Care and Nurseries Act, 2000;

“guardian” includes a person appointed by a will or by order of a Court to be the guardian of a child, or who in the opinion of the Court has the charge of or control over a child;

“imminent danger” means likelihood of physical, emotional, mental or psychological harm;

“Minister” means the Minister with responsibility for the Children’s Authority;

“rehabilitation centre” has the meaning assigned to it by the Children’s Community Residences, Foster Care and Nurseries Act, 2000;

“relative” includes—

- (a) a parent;
- (b) a step-parent;
- (c) a grandparent;
- (d) a brother or sister, whether of whole or half-blood; or
- (e) an uncle or aunt, whether of whole or half-blood;

“youthful offender” means a child who is charged with committing an offence.

Objects of the Act.
[14 of 2008].

3A. The objects of this Act are to—

- (a) promote the well being of all children in Trinidad and Tobago;
- (b) provide care and protection for vulnerable children; and
- (c) comply with certain obligations under the United Nations Convention on the Rights of the Child.

PART II

ESTABLISHMENT OF THE CHILDREN'S AUTHORITY

Establishment of the Children's Authority.

4. There is hereby established a body Corporate to be known as the Children's Authority of Trinidad and Tobago (hereinafter referred to as “the Authority”).

Powers and functions of the Authority.
[14 of 2008].

5. (1) The Authority may have and exercise such powers and functions as are conferred on it by this Act and in particular may—

- (a) provide care, protection and rehabilitation of children in accordance with Part III of this Act;
- (b) investigate and make recommendations with respect to the adoption of children in accordance with the Adoption of Children Act, 2000;
- (c) investigate complaints made by any person with respect to any child who is in the care of a community residence, foster home or nursery, that the said residence, home or nursery failed to comply with the requisite standards prescribed under the Children's Community Residences, Foster Care and Nurseries Act, 2000 and any incident of mistreatment of children in such places;
- (d) investigate complaints or reports of mistreatment of children;
- (e) upon investigation, remove a child from his home where it is shown that the child is in imminent danger;

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- (f) monitor community residences, foster homes and nurseries and conduct periodic reviews to determine their compliance with such requirements as may be prescribed;
- (g) issue, suspend and revoke licences of community residences and nurseries as provided under the Children's Community Residences, Foster Care and Nurseries Act, 2000;^{65 of 2000.}
- (h) advise the Minister on matters relating to the operation of this Act; and
- (i) do all such things as may be necessary or expedient for the proper performance of its duties.

(2) In the course of exercising its powers under subsection (1), the Authority may provide the following services to children assessed by the Authority to be in need of those services while they are living with their families:

- (a) advice, guidance and counselling;
- (b) occupational, social, cultural or recreational activities;
- (c) home help; and
- (d) facilities for or assistance with travelling to and from home for the purpose of accessing any other service provided by the Authority or any similar service.

5A. In exercising its powers in relation to the adoption of children, the Authority shall—

- (a) receive applications from parents, guardians and prospective adopters in respect of the adoption of children;
- (b) make such investigations concerning the adoption of children for the consideration of the Court as may be prescribed;
- (c) make recommendations to the Court as to whether in its view the adoption is in the best interest of the child whose adoption is sought;
- (d) advise the Minister regarding adoption matters generally; and
- (e) listen to the views of the child.

Powers of Authority in relation to adoptions. [14 of 2008].

Duties of the
Authority.
[14 of 2008].

6. (1) It shall be the duty of the Authority to—
- (a) promote the well being of the child;
 - (b) recognise and give effect to the right of the parent to be heard and the right of the parent to a fair hearing;
 - (c) act as an advocate to promote the rights of all children in Trinidad and Tobago;
 - (d) take all reasonable steps to ensure the availability of accommodation necessary for compliance with this Act;
 - (e) take all reasonable steps to ensure the availability of staff required for proper implementation of the Act, inclusive of programmes for training;
 - (f) take all reasonable steps to prevent children from suffering ill-treatment or neglect;
 - (g) promote contact between the child and—
 - (i) his parents;
 - (ii) any person who is not his parent but who has parental responsibility for him; or
 - (iii) any relative, friend or other person connected with him,

except where it is not reasonably practicable or is prejudicial to the welfare of the child;

- (h) exercise such powers as are conferred on it by this Act and as may be necessary with respect to any child so as to serve the best interests of that child;
- (i) make use of such facilities and services available for children that are provided by other agencies or institutions, as appears reasonably necessary to the Authority.

(2) When determining what is in the best interest of a child, the Authority shall take into consideration—

- (a) the love, affection, and other emotional ties existing between the parties involved and the child;

- (b) the capacity and disposition of the parties involved to—
 - (i) give the child love, affection and guidance and to continue the education and raising of the child in his or her religion, if any; and
 - (ii) provide the child with food, clothing, medical care or other remedial care;
- (c) the length of time the child has lived in a stable, satisfactory environment, and the desirability of maintaining the status quo;
- (ca) where appropriate, preserving the family unit and reuniting the child with his relatives at the earliest opportunity;
- (cb) the right of the child to the enjoyment of family life;
- (cc) the right of the child to be heard;
- (cd) the right of the child to representation and a fair hearing; and
- (ce) any other relevant support necessary for the well being of the child;
- (d) the permanence of the family unit;
- (e) the home, school and community record of the child;
- (f) the willingness and ability of each parent to facilitate and encourage a close parent-child relationship between the child and the other parent or the child and the parents;
- (g) the willingness and ability of relatives to facilitate and encourage familial relationships between the child and other family members;
- (h) domestic violence or any other form of abuse, regardless of whether the violence was directed against or witnessed by the child;
- (i) the reasonable preference of the child, if the Authority considers the child to be of an age and maturity to express such preference; and
- (j) any other factor that the Authority may consider relevant to the particular child.

Board of
Management.
[14 of 2008].

7. (1) The Authority shall be managed by a Board of Management (hereinafter referred to as the "Board") which will be in charge of the administration of the Act.

(2) The Board shall consist of no more than eleven persons and no less than seven persons who shall be appointed by the President and have the following professional qualifications and skills:

- (a) child psychology; or
- (b) child psychiatry;
- (c) social work;
- (d) paediatrics;
- (e) education;
- (f) accounting; and
- (g) family law.

(2A) The persons selected under subsection (1) shall include—

- (a) a person under the age of twenty-five years representing the youth appointed by the President;
- (b) a person nominated by the Tobago House of Assembly with experience in children's issues appointed by the President;
- (c) the Director of the Authority appointed under section 10 who shall be an *ex officio* member of the Board; and
- (d) a representative of a Non-Governmental Organisation which promotes the welfare and protection of children.

(3) The President shall appoint from among the persons mentioned in subsection (2), one member to be the Chairman of the Board.

(4) A member of the Board shall hold office for such period as stated in his instrument of appointment and shall be eligible for reappointment.

(5) The Board at its first meeting shall, subject to the approval of the Minister, select from among its members a Deputy Chairman.

(6) A member of the Board may at any time resign his office by instrument in writing addressed to the Chairman, who shall forthwith cause it to be forwarded to the Minister, and the Chairman may resign his office by instrument in writing addressed to the Minister.

(7) The President may terminate the appointment of a member of the Board where the member—

- (a) is of unsound mind or is incapable of carrying on his duties;
- (b) becomes bankrupt or compounds with his creditors;
- (c) is convicted of any offence which brings his office into disrepute;
- (d) is guilty of misconduct in relation to his duties;
- (e) is absent, except on leave granted by the Board, during three consecutive, duly constituted meetings of the Board; or
- (f) fails to carry out any of the duties or functions conferred on or assigned to him under this Act.

(8) The names of the members of the Board as constituted under this Act and every change thereof, shall be published in the *Gazette*.

(9) The Board may meet as often as required, but shall meet at least once a month.

(10) The quorum for a meeting of the Board shall be five inclusive of the Chairman or Deputy Chairman.

(10A) Where a decision is to be made by the Board and the number of members sitting to vote is even, the Chairman shall have a casting vote.

(10B) Where members are temporarily unable to perform their duties, the President may appoint other persons to act in their stead.

(11) The Board may by way of rules or resolutions regulate its own procedure for the conduct of its business.

7A. (1) Where a decision with respect to the adoption of a child arises, a committee of the Board to be known as the Adoption Committee shall sit to take such decision.

Adoption
Committee.
[14 of 2008].

(2) The Adoption Committee shall consist of persons who have the following professional qualifications and skills:

- (a) paediatrics;
- (b) law;
- (c) child psychology or child psychiatry; and
- (d) social work.

(2A) The following persons shall also be members of the Committee:

- (a) a person nominated by the Tobago House of Assembly with experience in children's issues appointed by the President;
- (b) the representative of the Non-Governmental Organisation; and
- (c) the head of the Adoption Unit.

(3) Where the Adoption Committee makes a decision in respect of the adoption of a child such decision shall be ratified by the Board.

(4) The Adoption Committee shall elect one of their number to be the Chairman of the Committee.

(5) The Adoption Committee may regulate its own procedure.

Custody and use of Seal.
[14 of 2008].

8. (1) The Authority shall have a Seal which shall be kept in the custody of the Director.

(2) The Seal of the Authority shall be affixed to an instrument by the Director or the Secretary.

(3) All documents, other than those required by law to be under seal, and all decisions of the Authority may be signified under the hand of the Director, Secretary or such other persons authorised to do so by the Board.

Service.
[14 of 2008].

9. Service upon the Authority of any Notice, Order or other document shall be effected by delivering the same, or by sending it by registered post addressed to the Director, at the office of the Authority.

Appointment and responsibilities of the Director.
[14 of 2008].

10. (1) Subject to section 7, the Board shall appoint a Director who shall be responsible for the day-to-day functions of

the Authority who shall also be the co-ordinator of all the units created in section 11.

(1A) The Board shall appoint at least one Deputy Director who shall assist the Director with the day-to-day functions of the Authority.

(1B) The Board shall appoint a Secretary on such terms and conditions as it thinks fit.

(2) The Board may delegate any of its functions to the Director or to the Deputy Director.

11. For the effective management of its duties and functions, the Authority shall have such units and centres including an Adoption Unit and a Foster Care Unit as may be prescribed by the Minister on the advice of the Board.

Composition of Authority.
[14 of 2008].

12. }
13. } *(Repealed by Act No. 14 of 2008).*

14. (1) The Authority shall maintain Assessment and Support Centres and Reception Centres.

Assessment and Support Centres and Reception Centres.
[14 of 2008].

(2) An Assessment and Support Centre shall be responsible for—

- (a) the initial assessment and referral of children coming to the attention of the Authority; and
- (b) where necessary, shall liaise with support services and agencies for counselling, investigations and continued management of cases,

and shall be staffed with social workers with experience in children's issues.

(3) A Reception Centre shall be responsible for the temporary care of children received by the Authority.

(4) A Reception Centre shall have available to them qualified social workers, a child psychologist, medical and other qualified personnel, including a child psychiatrist who shall—

- (a) carry out initial medical examinations, diagnostic assessments and formulate treatment plans;

- (b) make recommendations to the Board on the child's placement; and
- (c) implement plans in respect of any child in the care of a Reception Centre.

(4A) The Authority may also make other arrangements for the availability of such qualified personnel as it may need from time to time.

(5) A Reception Centre may source any support services it may require with respect to any child referred by the Intake Centre.

(6) A child received by the Authority shall not remain in a Reception Centre for a period exceeding twelve weeks.

15. (Repealed by Act No. 14 of 2008).

Staff of the Authority.

16. The Authority shall appoint on such terms and conditions as it thinks fit and subject to such maximum limits of remuneration as the Minister may determine, such staff as it considers necessary for the efficient exercise and performance of its functions under this Act.

Transfer on secondment. [14 of 2008].

17. (1) Subject to subsection (2) and to the approval of the Authority, the appropriate Service Commission and the officer, any officer in the public service may be on secondment to the service of the Authority or from the service of the Authority to the public service.

(2) Where secondment referred to in subsection (1) is effected, arrangements shall be made to preserve the rights of the officers seconded to any pension, gratuity or other allowance for which he would have been eligible had he not been seconded.

(3) A period of secondment shall be for three years and may only be extended once for a further period of up to two years.

Transfer of public affairs to Authority. [14 of 2008].

18. An officer in the public service may with the approval of the appropriate Service Commission consent to be transferred to the service of the Authority.

Pension rights and schemes. [14 of 2008].

19. (1) The Authority shall provide for the establishment and maintenance of a pension plan or arrange for membership in a plan for its employees.

(2) A member of the public service who transfers to the Authority shall become a member of any pension plan operated for the benefit of employees of the Authority.

(3) Superannuation benefits which have accrued to any person who was transferred from the public service to the Authority under section 18, shall be preserved at the date of his transfer to the Authority and such person shall continue to accrue such benefits under the relevant pensions legislation up to the date—

- (a) of the establishment of a pension plan under this section; or
- (b) that arrangements are made for membership in a plan.

(4) Superannuation benefits accrued under subsection (3) shall be calculated on the basis of pay, pensionable emoluments or salary applicable to the office which the person held immediately prior to his employment by the Authority.

(5) Where a person who transferred from the public service to the Authority dies or retires before—

- (a) the establishment of a pension plan under this section; or
- (b) arrangements could be made for membership in a plan,

and at the date of his death or retirement was in receipt of a salary higher than the pay, pensionable emoluments or salary applicable to the office which he held immediately prior to his employment by the Authority, the difference in superannuation benefits payable on the basis of the higher salary and those payable under the relevant pension legislation on the basis of the salary referred to in subsection (4) shall be paid by the Authority.

(6) Where a person who transferred from the public service to the Authority dies or retires while being a member of any pension plan—

- (a) established by the Authority under this section; or
- (b) in respect of which arrangements have been made for membership,

he shall be paid superannuation benefits at the amount which when combined with the superannuation benefits payable under

subsection (3) is the equivalent to the benefits based on his pensionable service in the public service combined with his service in the Authority and calculated at the pensionable salary applicable to him on the date of his retirement or death.

Employment of persons for specific tasks.

20. The Authority may employ, on such terms and conditions as it thinks fit and subject to such maximum limits of remuneration as the Minister may determine, persons to perform specific tasks that the Authority considers necessary for the due performance of its functions under this Act.

Authority subject to directions of the Minister. [14 of 2008].

21. The Minister may give in writing, general or special directions to the Board, on policy matters, in the exercise of its duties and powers under the Act which the Authority shall follow.

PART III

CHILDREN IN NEED OF CARE AND PROTECTION

Power of the Authority to provide for children. [14 of 2008].

22. (1) Where the Authority is of the view that a child is in need of care and protection and that its intervention is necessary in the best interest of the child, it shall investigate the matter and it shall be lawful where appropriate, for the Authority to receive the child into its care.

(1A) A child is in need of care and protection where the child—

- (a) has neither parent nor guardian who is fit to exercise care and guardianship;
- (b) is lost or has been and remains abandoned by his parent or guardian;
- (c) whose parent or guardian is prevented by—
 - (i) reason of mental or bodily disease;
 - (ii) infirmity or other incapacity; or
 - (iii) any other circumstances,
 from providing for his up-bringing, and there is no available person or persons capable, fit or willing to undertake the care of such child;
- (d) is exposed to moral danger;
- (e) is beyond the control of his parent or guardian;

- (f) is ill-treated or neglected in a manner likely to cause him suffering or injury to health;
- (g) is destitute or is wandering without any settled place of abode and without visible means of subsistence;
- (h) is begging or receiving alms;
- (i) is found loitering for the purpose of begging or receiving alms;
- (j) frequents the company of any criminal; or
- (k) frequents the company of any common or reputed prostitute not being the mother of the child.

(2) A police officer or any other person having reasonable grounds for believing that a child is in need of care or protection may seek the assistance of the Authority for care or protection of such child.

(3) In this section a child is deemed to be abandoned where he has no parent or other person willing and able to take care of him.

23. (1) Where the Authority receives a child into its care under section 22, it shall immediately make an application to the Court for—

Wardship of children in the care of the Authority. [14 of 2008].

- (a) a Wardship Order under the Family Law (Guardianship of Minors, Domicile and Maintenance) Act to be made in respect of the child and any other Order; or
- (b) an Order including an interim Order under section 25 that the Authority determines necessary.

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(2) Where the Authority makes an application for a Wardship Order in pursuance of subsection (1), the Authority shall join the parent or guardian of the child in the application.

(3) An application for an interim Order under subsection (1) may be made *ex parte*.

24. (*Repealed by Act No. 14 of 2008*).

Powers of Court in respect of children in need of care and protection. [14 of 2008].

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Family Assistance Order. [14 of 2008].

Secure Accommodation Order. [14 of 2008].

Care Order. [14 of 2008].

25. Where the Court is satisfied that a child brought before it by the Authority is a child in need of care and protection, the Court may make the following:

- (a) a Family Assistance Order;
- (b) a Secure Accommodation Order;
- (c) a Care Order;
- (d) a Child Assessment Order;
- (e) an Emergency Protection Order;
- (f) a Recovery Order;
- (g) a Fit Person Order under the Children Act;
- (h) a Recognisance Order;
- (i) a Foster Care Order;
- (j) an Order freeing a child for adoption;
- (k) a Contribution Order under section 44; or
- (l) any other Order including an interim Order as the Court thinks fit.

25A. A Family Assistance Order made under section 25(a) shall be for the purpose of counselling and any other relevant assistance deemed necessary for the well being of the child.

25B. A Secure Accommodation Order made under section 25(b) shall be for the purpose of restricting the liberty of the child where it appears to the Court that the child has a history of absconding and is likely to abscond from another type of accommodation where the child is likely to—

- (a) suffer significant harm if he absconds; or
- (b) injure himself or other persons if he is kept in any other kind of accommodation.

25C. (1) A Care Order made under section 25(c) shall be for the purpose of placing a child under the care of the Authority or a community residence.

(2) A Care Order under this section may be made on the application of the Authority, a probation officer or an officer of the National Family Services Division of the Ministry with responsibility for the delivery of social services.

25D. (1) A Child Assessment Order made under section 25(d) shall be for the purpose of assessing—

Child
Assessment
Order.
[14 of 2008].

- (a) the state of a child's health;
- (b) the child's development; or
- (c) the manner in which the child has been treated.

(2) The Court may make a Child Assessment Order where it is satisfied that—

- (a) the applicant has reasonable cause to suspect that the child is suffering or is likely to suffer physical, emotional, mental or psychological harm;
- (b) such an assessment is required to enable the applicant to determine whether or not the child is suffering or is likely to suffer harm; and
- (c) it will be unlikely that an assessment will be made or be satisfactory in the absence of the Order.

(3) A Child Assessment Order—

- (a) shall specify the period of assessment and the date on which the assessment is to begin; and
- (b) may require the medical, psychiatric and psychological examination of the child.

(4) Where a Child Assessment Order states that a child shall be kept away from his home, it shall specify the conditions under which the child may be so kept, including the degree of contact with other persons that he may be allowed during that period.

(5) Where the Court makes a Child Assessment Order, the person who is in *de facto* control of the child or who is in a position to produce the child, shall comply with any direction in the Order and produce the child to the person named in the Order.

25E. (1) An Emergency Protection Order under section 25(e) shall be made where the Court is of the view that—

Emergency
Protection
Order.
[14 of 2008].

- (a) the child is likely to suffer physical, emotional, mental or psychological harm;
- (b) enquiries as to whether the child is suffering or is likely to suffer physical, emotional, mental or psychological harm are being frustrated by access to the child being unreasonably refused and the

applicant has reason to believe that access to the child is required as a matter of urgency.

- (2) An Emergency Protection Order may—
- (a) direct a person named in the Order and who is in *de facto* control of the child or who is in a position to do so, to produce the child to the applicant;
 - (b) authorise the removal of a child from any place or the detention of a child at a community residence at any time;
 - (c) prohibit the removal of the child from any place at which he was being accommodated immediately before the Order was made;
 - (d) give the applicant parental responsibility for the child;
 - (e) limit the applicant to the exercise only of those powers which are specified in the Order;
 - (f) determine the contact which is or is not allowed with any named person; and
 - (g) require the medical, psychiatric and psychological examination of the child.

Recovery
Order.
[14 of 2008].

25F. (1) A Recovery Order under section 25(f) may be made where it appears to the Court that there is reason to believe that a child—

- (a) has been unlawfully taken or is being unlawfully taken away from the person who has parental care and responsibility for the child;
 - (b) has run away or is staying away from the person who has parental care and responsibility for him; or
 - (c) is missing.
- (2) A Recovery Order shall—
- (a) direct any person who is in a position to do so, to produce the child on request to—
 - (i) any person specified in the Order;

- (ii) a police officer; or
 - (iii) any other person who is authorised by the parent or any person in whose favour a Care Order or an Emergency Protection Order is made, after the Recovery Order is made;
- (b) authorise the removal of the child by any of the persons under paragraph (a), or
- (c) authorise a police officer to enter premises specified in the Order to search for the child, using reasonable force if necessary.

25G. A Fit Person Order made under section 25(g) shall be an Order under the Children Act directing a child to be put in the care of a fit person.

Fit Person Order.
[14 of 2008].
Ch. 46:01.

25H. A Recognisance Order made under section 25(h) shall direct the parent or guardian of a child to enter into recognisance to exercise proper care and guardianship over the child.

Recognisance Order.
[14 of 2008].

25I. A Foster Care Order made under section 25(i) would direct the foster care unit under the Children's Community Residences, Foster Care and Nurseries Act, 2000 to place the child in foster care.

Foster Care Order.
[14 of 2008].
65 of 2000.

25J. An Order freeing a child for adoption made under section 25(j) shall make the child available for adoption under the Adoption of Children Act, 2000.

Order freeing a child for adoption.
[14 of 2008].
67 of 2000.

26. Where in a matter before the Court under this Act, a child is before the Court, it may, where it considers it necessary, appoint a guardian *ad litem* to represent the views of the child and act in his interest.

Appointment of guardian *ad litem*.
[14 of 2008].

27. Where in a matter before the Court under this Act, a child is before the Court, it may, where it considers it necessary, make an order requesting the Attorney General to assign the appropriate officer from the Civil Law Department to represent any child before the Court.

Appointment of an Officer of the Civil Law Department.
[14 of 2008].

Offence to assist runaway. [14 of 2008].

28. Any person who knowingly—

- (a) *(Deleted by Act No. 14 of 2008)*;
- (b) assists or induces or attempts to induce a child, to whom sections 22, 23 and 25 applies, to run away from the care of the Authority; or
- (c) harbours or conceals a child who has run away from the care of the Authority,

commits an offence and shall be liable on conviction to imprisonment for a term of not less than twenty-five years.

29. *(Repealed by Act No. 14 of 2008).*

Children certifiable as mental patients. [14 of 2008]. Ch. 28:02.

30. (1) Where a child has been received into the care of the Authority and subsequently that child is determined to be mentally ill under the Mental Health Act, and such determination results in the admission of the child to a psychiatric hospital, if there is no one willing and able to assume responsibility for the child, the Authority shall continue to exercise responsibility and rights in respect of that child notwithstanding the fact that the Authority does not have physical control of the child.

(2) Where a child mentioned under subsection (1) is under the care of a psychiatric hospital, the Director of the psychiatric hospital shall submit to the Authority, periodical reports of the child's mental status.

Parents to inform the Authority of their whereabouts. [14 of 2008].

31. (1) The parent or guardian of a child in the care of the Authority shall ensure that the Authority is kept informed of the whereabouts of the parent or guardian.

(1A) The Authority shall keep and maintain a record of the names, addresses and other pertinent information of all parents or guardians of children who have been received into care.

(2) A parent or guardian who knowingly fails to comply with subsection (1), commits an offence and on summary conviction shall be liable to a fine of five hundred dollars.

Leaving the country without making proper arrangements. [14 of 2008].

32. Where the Authority is of the view that a person legally liable for the care and maintenance of any child, intends to leave

Trinidad and Tobago without making adequate arrangements for the care of the child, it may apply to the Court for an Order to prevent the person from leaving Trinidad and Tobago until such person has made provision to the satisfaction of the Court that—

- (a) the child is not likely to become a charge on the public funds; or
- (b) such child is not exposed to moral danger or neglect by reason of lack of care and maintenance.

33. (1) A Court with criminal jurisdiction before which a person is charged with having committed an offence in respect of a child mentioned in the Schedule or any offence under this Act, may direct that the child be brought to the attention of the Authority.

Powers of the Court with respect to offences in the Schedule. [14 of 2008].

- (2) The Minister may by Order, amend the Schedule.

PART IV

CARE OF CHILDREN UNDER THE AUTHORITY

34. (1) The Authority may support or provide, equip and maintain community residences for the accommodation of children in its care.

Provision of accommodation. [14 of 2008].

(2) The Authority may discharge its functions under this section by making arrangements with private bodies for the accommodation of children in its care as provided for under the Children's Community Residences, Foster Care and Nurseries Act, 2000.

65 of 2000.

35. (1) The Authority shall ensure that children who are over sixteen years and who have no other place to reside, be accommodated in hostels near the place, as far as possible, where they may be employed, or seeking employment or receiving education or training.

Provision of hostels for children who are over sixteen years. [14 of 2008].

(2) In this Part "hostel" means a voluntary residence for persons up to the age of twenty-one, on payment of a fee.

(3) The Authority may defray the cost of accommodation referred to in subsection (1).

35A. (Repealed by Act No. 14 of 2008).

Power of the Authority to arrange for the emigration of children in its care. [14 of 2008].

36. (1) The Authority may, with the permission of the Court, assist in the emigration of any child in its care.

(2) The Court shall not give its permission under this section unless it is satisfied that—

- (a) emigration would be in the best interest of the child;
- (b) suitable arrangements have been or will be made for the child's reception and the necessary legal requirements for the immigration of the child in the destination country are met;
- (c) proper arrangements for the child's welfare in the country to which he is going have been made;
- (d) the parents or guardians of the child have been consulted; and
- (e) the wishes of the child have been taken into account.

(3) (Deleted by Act No. 14 of 2008).

Disposal of deceased children. [14 of 2008].

37. (1) Where a child who is under the care of the Authority, has been placed in a community residence or foster home and that child dies while resident at such place, the Manager of the community residence or foster parent shall inform the Authority forthwith of the child's death.

(2) It shall be the duty of the Authority—

- (a) to immediately inform the parents and relatives of the deceased child of that child's death;
- (b) where the parents or relatives of the deceased child wish to bury the child, to release the child's body to them for burial; and
- (c) where no such wish referred to in paragraph (b) is expressed, to dispose of the body of any deceased child who immediately before his death was in the care of the Authority, in accordance with the Burial Grounds Act and Cremation Act.

Ch. 30:50.
Ch. 30:51.

(3) *(Deleted by Act No. 14 of 2008).*

38. The Authority may, if it deems fit, make payments to any parent or guardian or other persons, concerned with a child in its care in respect of travelling, subsistence or other expenses incurred by the parent, guardian or other person in visiting the child or attending his funeral.

Power of Authority to defray expenses of parents visiting children or attending funerals.

PART V

MAINTENANCE OF CHILDREN IN CARE

39. (1) The Authority may arrange with the parents or the guardian of a child for a contribution according to their means towards the maintenance of the child who is in the care of the Authority.

Contribution in respect of children under the Authority. [14 of 2008].

(2) Where an agreement cannot be reached in accordance with subsection (1), the Authority may apply to the Court for an Order for the maintenance of the child, having regard to the means of the parent or guardian.

(3) Where a person, other than the parent, is liable to maintain a child, an Order under this section may be made against that person.

(4) An Order made under this section may, on application being made either by the person on whom the Order is made or by or at the instance of the Authority and on fourteen days notice of such application being given to the Authority or person on whom the Order was made, be varied by the Court.

40. (1) A Court may, upon the hearing of an application under section 39 against any person in respect of the maintenance of any child, if it is alleged that he is the father of such child, make a paternity Order against him in accordance with section 22 of the Family Law (Guardianship of Minors, Domicile and Maintenance) Act and the Status of Children Act.

Paternity Orders. [14 of 2008].

Ch. 46:08.
Ch. 46:07.

(2) In making an order under section 39 the Court may direct that any amount payable under that Act, shall in the future be paid into the Authority.

Contribution in respect of young offenders. [14 of 2008].

41. (1) The Court may, on complaint being made by the Authority, at any time whilst a youthful offender is detained in a rehabilitation centre make an Order against a parent or any other person who has care and control over the youthful offender for the payment to the Authority of such weekly or monthly sum during the whole or any part of the time for which the youthful offender or child is kept.

(2) *(Deleted by Act No. 14 of 2008).*

(3) An Order made under this section may, on application being made either by the person against whom the Order is made or by or at the instance of the Authority and on fourteen days notice of such application being given to the Authority or person against whom the Order was made, be varied by the Court.

Parent to inform change of address.

42. Where a parent or other person has been ordered to contribute to the maintenance of a child, he shall give notice of any change of address to the Authority and a person who fails to do so without reasonable excuse commits an offence and on summary conviction shall be liable to a fine of five hundred dollars.

Recovery and enforcement of Orders and contributions. [14 of 2008].

43. (1) A Court making an Order for a contribution by a parent or any other person may, in the case where there is any pension or income payable to such parent or other person capable of being attached, after giving such parent or person an opportunity of being heard, order that such part of the pension or income, as the Court may see fit, be attached and be paid to the person named by the Court in accordance with the Attachment of Earnings (Maintenance) Act.

(2) } *(Deleted by Act No. 14 of 2008).*
(3) }

14 of 1988.

Contribution by the child. [14 of 2008].

44. A child under the care of the Authority who has attained the age of sixteen years and is engaged in remunerative work shall be liable to make contributions to the Authority in respect of himself and where no agreement can be reached or where an agreement is not being complied with, the Court may order the payments (hereinafter referred to as a Contribution Order) of an appropriate amount by him according to his means.

45. A Contribution Order made under this Part shall remain in force as long as the child is in the care of the Authority but a person may at any time apply to the Court for the Order to be varied or discharged.

Duration of Order.

PART VI

FINANCIAL PROVISIONS

46. (1) There is hereby established a Fund called the Children Authority Fund.

Creation of the Fund.
[14 of 2008].

(2) The revenue of the Fund shall be—

- (a) money allocated to the Authority by Parliament;
- (b) grants, donations and assistance received from national and international organisations and agencies as approved by the Minister of Finance; and
- (c) monies and fees received under the Act.

47. (1) The monies in the Fund shall be utilised for defraying the following expenses:

Application of the Fund.

- (a) administration of the Act;
- (b) remuneration and allowances for the members of the Board;
- (c) payment of salaries and allowances for the members of the staff; and
- (d) any other expenditure authorised by the Board for the exercise of its powers.

(2) The accounts of the Authority shall be maintained in accordance with the generally accepted accounting principles.

48. (1) The Board shall prescribe Rules for the proper control of the system of accounting and the financial management of the Authority including provision for an adequate system of internal auditing.

Rules for accounting and audit.

(2) The accounts of the Authority shall be audited annually by the Auditor General or by a qualified auditor appointed by the Auditor General.

Annual Report.

49. (1) The Board shall within three months of the end of each financial year submit to the Minister an annual report dealing with the activities of the Authority during the financial year, together with financial statements and such other information relating to the operations and functions of the Authority.

(2) The Minister shall cause a copy of the report and the financial statements and such other information submitted under subsection (1) to be laid before Parliament within twenty-eight days of its receipt by him.

PART VII

MISCELLANEOUS

Authority to
make
Regulations.
[14 of 2008].

50. (1) The Authority may, with the approval of the Minister, make Regulations in respect of—

- (a) the burial of children in the care of the Authority; and
- (b) matters which are required to be prescribed under this Act and for the purpose of giving effect to the provisions of the Act.

(2) Regulations made under this Act shall be subject to affirmative resolution of Parliament.

(3) The Minister may also prescribe the forms to be used for the purposes of this Act and all such forms so prescribed shall be published in the *Gazette*.

Rules
Committee to
make Rules.
[14 of 2008].
Ch. 4:01.

51. The Rules Committee established by section 77 of the Supreme Court of Judicature Act may, subject to negative resolution of Parliament, make rules for the purpose of the Court exercising its functions under this Act.

SCHEDULE

(Section 33).

<i>Legislation</i>	<i>Section</i>
The Summary Offences Act, Chap. 11:02	4, 5
The Offences Against the Person Act, Chap. 11:08	6, 21, 48, 54
Children Act, Chap. 46:01	3 to 8, 24 to 28
Sexual Offences Act, Chap. 11:28.	4 to 11
